

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BIENVENIDO I. LUGO MARCHANT,
Plaintiff,

v.

PETER TSICKRITZIS, KEVIN
KINGSTON and UNITED LIQUORS
LIMITED,
Defendants.

Civil Action No. 05 11317 NMG

**DEFENDANTS' MOTION TO EXTEND DEADLINE FOR COMPLETING
DEPOSITIONS AND OTHER DEADLINES**

Defendants, United Liquors, Ltd., Peter Tsickritzis, and Kevin Kingston ("Defendants"), hereby move to extend the deadline for completing depositions and for other events in this matter because of their inability to complete Plaintiff's deposition on December 1, 2006, the date discovery was to close. Specifically, Defendants move to extend by 21 days deadlines for completing depositions, from December 1, 2006, to and including December 22, 2006, and by 28 days for serving dispositive motions, from January 3, 2007, to and including January 31, 2007, and for serving responses to dispositive motions from January 30, 2007, to and including February 27, 2007.

As grounds for their motion, Defendants state the following:

1. This action arises out of Plaintiff's employment with United Liquors Limited ("United Liquors"). In his Complaint served in September, 2005, Plaintiff alleges discriminatory treatment during his employment and asserts claims under Title VII of the Civil Rights Act of 1964 and Title I of the Americans With Disabilities Act.

2. Defendants served their first set of interrogatories and first request for documents upon Plaintiff on January 6, 2006. However, it was not until over six months later, on or about

July 28, 2006, after several motions were filed, that Defendants received the discovery responses.

3. On October 6, 2006, Defendants began taking Plaintiff's deposition, but the deposition was adjourned prior to completion at Plaintiff's suggestion. Plaintiff agreed to complete his deposition at a later date. Defendants agreed to suspend the deposition and reschedule.

4. Defendants attempted to schedule the completion of Plaintiff's deposition for December 1, 2006, sending several letters to Plaintiff and leaving voice mail messages. Plaintiff did not respond but on November 29, 2006, Defendants finally reached Plaintiff on the telephone. Plaintiff advised that he was not prepared to come for his deposition on December 1, 2006. He suggested resuming the deposition during the week of December 20th, particularly on December 24th. Defendants are not in a position to go forward during that week but are prepared to continue Plaintiff's deposition to Friday, December 15, 2006. As a result, they are requesting additional time for discovery.

5. Since Plaintiff's deposition now will not be completed until December 15, 2006, Defendants are seeking additional time for the filing of their dispositive motion. They will need time to receive the transcript of the deposition and to prepare the necessary filing. Accordingly, Defendants are seeking until January 31, 2007, for the filing of that motion.

WHEREFORE, Defendants request that the Court extend the deadline for completing depositions from December 1, 2006, to December 22, 2006; the deadline for serving dispositive motions from January 3, 2007, to January 31, 2007; and the deadline for serving responses to dispositive motions from January 30, 2007, to February 27, 2007.

LOCAL RULE 7.1(A)(2) CERTIFICATION

Counsel for Defendants hereby certify that they attempted to confer with Plaintiff about the filing of this motion on Thursday, November 30, 2006. Counsel spoke with Plaintiff briefly on the morning of November 30th and raised the issue with Plaintiff. He said he was unable to speak at that time and would call back. He did not do so. Counsel called Plaintiff again in the afternoon of November 30, 2006, and had to leave a message. Plaintiff did not return the call and was unavailable when an additional call was made to him on December 1, 2006.

Respectfully submitted,

UNITED LIQUORS LIMITED, PETER TSICKRITZIS and KEVIN KINGSTON,
By their attorneys,

/s/ Joan Ackerstein

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Dated: December 1, 2006

CERTIFICATE OF SERVICE

I hereby certify that on December 1, 2006, this document was served upon Plaintiff, Bienvenido I. Lugo Marchant, 19 Grove Street, Brockton, MA 02301, by first class mail, postage prepaid.

/s/ Joan Ackerstein

Jackson Lewis LLP